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 LYON'S OF CALIFORNIA, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BOARD OF TRUSTEES OF THE SAN
 MATEO HOTEL EMPLOYEES AND
 RESTAURANT EMPLOYEES
 WELFARE FUND; SHERRI CHIESA,
 TRUSTEE,

Plaintiff,

v.

LYON'S OF CALIFORNIA, INC., a
 California Corporation,

Defendant.

No. 3:04-CV-05108 CRB

~~PROPOSED~~ ORDER GRANTING
DEFENDANT LYON'S OF CALIFORNIA,
INC.'S MOTION FOR SUMMARY
JUDGMENT

Date: September 2, 2005
Time: 10:00 a.m.
Ctrm: 8
Judge: Charles R. Breyer
Complaint Filed: December 2, 2004

Defendant Lyon's of California, Inc.'s ("Defendant") Motion for Summary Judgment
 came on for hearing before this Court on September 2, 2005, at 10:00 a.m. in Department 8 of the
 United States District Court for the Northern District of California, located at 450 Golden Gate
 Avenue, San Francisco, California, the Honorable Charles R. Breyer, presiding. Appearing for
 Defendant, Hanson, Bridgett, Marcus, Vlahos & Rudy, LLP, by Patrick M. Glenn. Appearing for
 Plaintiffs Board of Trustees of the San Mateo Hotel Employees and Restaurant Employees
 Welfare Fund and Sherri Chiesa, Erskine & Tulley, by Michael J. Carroll.

The Court having reviewed and considered all papers filed in support of and in opposition
 to the motion, and the arguments of counsel, finds that Defendant is entitled to summary

1 judgment as a matter of law for the following reason:

2 The governing collective bargaining agreement required Lyon's to contribute only for
3 eligible employees who enrolled in the health and welfare plan. (*See Stip., Ex. A*)

4
5 Dated: September 09, 2005

